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JAN 25 2007

Atty. Docket No. CQ10184
PATENT APPLICATIONAMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/788,603**REMARKS**

Claims 1, 3-11, 13-20 and 22-25 are all the claims pending in the application. Claims 1 and 11 are being amended. No new matter has been introduced.

Telephonic Interview

Applicants thank the Examiner for courtesies extended to Applicants during Examiner's interview with Applicants' representative, which took place on December 18, 2006. During the interview, the Applicants' representative and the Examiner discussed the claim rejections under 35 U.S.C. §§103, the prior art of record and the proposed claim amendments presented herein. The Examiner has indicated that the aforesaid amendments distinguish the claimed invention from the prior art of record.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04. It is believed that no fee is necessary.

Claims 1, 3-4, 9-11, 13, 18-20 and 22-25

The Examiner has rejected claims 1, 3-4, 9-11, 13, 18-20 and 22-25 under 35 U.S.C. 103(a) as being allegedly unpatentable over Oran et al. (U.S. patent No. 5,617,526) in view of Horvitz (U.S. patent No. 6,618,716). Applicants respectfully traverse this rejection in view of Applicants' amendments to independent claims 1 and 11 and further in view of the following arguments.

Specifically, the amended independent claims 1 and 11 generally recite a feature of the claimed invention, wherein varying representation elements associated with varying portions of a

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graphical user interface are used in informing the user of the changes in the at least one activity stream depending on the user's focus of attention. Without admitting that the prior art of record teaches or suggest any other limitations of the pending claims, Applicants respectfully submit that this feature of the invention is not taught or suggested by Oran et al., Horvitz or any combination thereof.

In more detail, Oran et al. discloses an operating system provided notification area for displaying visual notifications from various application programs. As was discussed during the aforesaid telephonic interview, Oran et al. specifically teaches a fixed notification area located, as shown in figures 3-5 of Oran et al., at the bottom right corner of the computer screen, see also Oran et al., Abstract. All the notifications in the system disclosed by Oran et al. are displayed in the same notification area, see Oran et al., col. 1, lines 30-44. On the other hand, amended claims 1 and 11 recite a system wherein varying representation elements associated with varying portions of a graphical user interface are used in informing the user of the changes in the at least one activity stream depending on the user's focus of attention. This feature of the invention is not taught or suggested by Oran et al.

The second cited reference, Horvitz, discloses a system for managing the transmittal and rendering of information, alerts, and notifications based on user's focus of attention. Specifically, the system of Horvitz includes an attentional status module, a peripheral information notification and alerts module, and notifications decision-making module. The attentional-status module generates a probability distribution over the user's focus of attention.

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This module also provides a probability distribution over the period of time until the user will become available to review alerts zero or minimal cost, or will review them without prompting. The aforesaid module utilizes a decision-theoretic analysis to identify ideal actions about the timing and rendering of notifications or alerts. The peripheral information notification and alerts module receives alerts from different sources, including the operating system, standard applications, special plug-ins designed to work with the architecture, and, in particular embodiments, from special sensory apparatus including ambient acoustical information. The notification decision-making module is to alert the user of the alerts received by the peripheral information notification and alerts module, based on the probability generated by the attentional status module.

While Horvitz talks about using audio or visual alerts (col. 6, lines 55-58), Horvitz also does not disclosed the claimed varying representation elements associated with varying portions of a graphical user interface that are used in informing the user of the changes in the at least one activity stream depending on the user's focus of attention. Therefore, the amended claims 1 and 11 are not unpatentable over Oran et al., Horvitz or any combination thereof.

Applicants further respectfully submit that the Examiner has failed to establish why a person of ordinary skill in the art would be motivated to combine Oran et al. with Horvitz and that the combination of references suggested by the Examiner is based on impermissible hindsight gleaned from the invention itself. Specifically, the Examiner states that one of skill in the art would combine Oran et al. with Horvitz "in order to provide a centralized way to manage

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alerts and notifications.” However, the suggested motivation has nothing to do with the teaching of Horvitz that the Examiner relies upon. In particular, the Examiner uses Horvitz for technique for informing a user of events based on user’s focus of attention. Thus, the motivation to combine references suggested by the Examiner is flawed. This provides an additional reason for patentability of the pending claims over combination of Oran et al. and Horvitz.

Finally, Applicants respectfully submit that Oran et al.’s disclosure describing a fixed notification area located in one specific portion of the screen teaches directly away from the present invention, which uses varying representation elements associated with varying portions of a graphical user interface. Because the hypothetical person of ordinary skill in the art defined by 35 U.S.C. §103 is presumed to know of all pertinent prior art, consideration must be given to prior art that would lead one away from the invention as well as that which is argued to lead toward it. Mendenhall v. Astec. Industries, Inc., 13 U.S.P.Q.2d 1913, 1939 (Tenn. 1988), *aff’d*, 13 U.S.P.Q.2d 1956 (Fed. Cir. 1989). Thus, claims 1 and 11 are patentable over the suggested combination of prior art for this additional reason as well.

With respect to the rejection of dependent claims 3-4, 9-10, 13, 18-20 and 22-25, while continuing to traverse the Examiner’s characterization of the teachings of the references used by the Examiner in rejecting these claims, Applicants respectfully submit that the rejection of these claims is rendered moot by the present amendment of the parent claims 1 and 11 and that these claims are patentable by definition, by virtue of their dependence upon the patentable claims 1 and 11.

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U.S. Application No. 09/788,603Claims 5-8 and 14-17

The Examiner has rejected claims 5-8 and 14-17 under 35 U.S.C. 103(a) as being allegedly unpatentable over Oran et al. (U.S. patent No. 5,617,526) in view of Horvitz (U.S. patent No. 6,618,716) and further in view of Tavori (U.S. patent No. 5,724,025). Applicants respectfully traverse this rejection in view of Applicants' amendments to independent claims 1 and 11 and further in view of the following arguments.

Specifically, with respect to the rejection of dependent claims 5-8 and 14-17, while continuing to traverse the Examiner's characterization of the teachings of the references used by the Examiner in rejecting these claims, Applicants respectfully submit that the rejection of these claims is rendered moot by the present amendment of the parent claims 1 and 11 and that these claims are patentable by definition, by virtue of their dependence upon the patentable claims 1 and 11.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

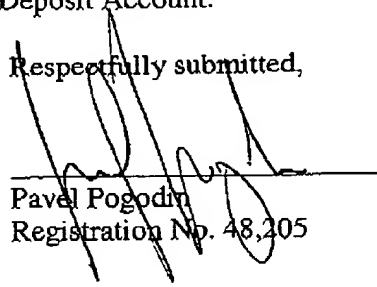
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Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.111 is
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Monica Moreno